

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/796,155	OGATA ET AL.
	Examiner Theresa Trieu	Art Unit 3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-6.
3.  The drawings filed on 10 March 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 06/15/04, 08/09/04
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



Theresa Trieu  
Patent Examiner  
Art Unit: 3748

### **EXAMINER'S AMENDMENT**

Authorization for this examiner's amendment was given in a telephone interview with Mr. Arthur Steiner (Reg. No. 26,106) on October 18, 2004. During telephone conversation with Mr. Steiner, an agreement was reached to amend claims 1 and 4. The application has been amended as follows:

#### ***Claims***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Page 21, claim 1, line 16, "drawing the envelope" has been changed to -- drawing an envelope --.

Page 22, claim 4, line 11, "drawing the envelope" has been changed to -- drawing an envelope --.

The amendments to the claims have been entered to correct a typographical/grammatical error.

#### ***Allowable Subject Matter***

Claims 1-6 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 4: the prior art fails to disclose or render obvious the claimed combination including: an outer rotor having a tooth profile determined by the steps of: (b1) revolving the center of the inner rotor around the center of the outer rotor so as to form a circle

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having a diameter of  $2e+t$ , where "e" is the amount of eccentricity between the center of the inner rotor and the center of the outer rotor and "t" is the maximum value of the interrotor clearance between the outer rotor and the inner rotor pressed against the outer rotor; (b2) rotating the inner rotor on its own axis  $1/n$  times while the center of the inner rotor makes one revolution in the circular orbit, where "n" is the number of teeth of the inner rotor; (b3) drawing an envelope of the group of the tooth-profile curves of the inner rotor formed by its revolution; and (b4) using the envelop as the tooth profile of the outer rotor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Prior Art***

The IDS (PTO-1449) filed on June 15, 2004 and August 9, 2004 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of six patents: Hill. (U.S. Patent 2,389,728), Noreyko (U.S. Patent 2,421,463), Saegusa (U.S. Patent 4,673,342), Hosono et al. (U.S. Patent 5,813,844), Kobashi (Publication Number JP 61-210281) and Niwa (Publication Number JP 61-210283), each further discloses a state of the art.

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 703-308-6434. The

examiner can normally be reached on Monday-Friday 8:30am- 5:00pm. The new telephone number is 571-272-4868 that will become effective after November 22, 2004.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E Denion can be reached on 703-308-2623. The new telephone number is 571-272-4859 that will become effective after November 22, 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT

  
Theresa Trieu  
Patent Examiner  
Art Unit 3748